

REMARKS

Claims 18-21 are allowed, while claims 1-9 and 22-25 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Duaultet et al. (U.S. Patent Number 6912224, hereinafter “Duaultet”). Respectfully disagreeing with these rejections, reconsideration is requested by the applicants.

Regarding independent claims 1 and 22, Duaultet column 2 lines 42-67 are cited as teaching the claim language. However, claim 1 recites (emphasis added) “**sending an indication to the source mobile unit** when the remaining play-out depth of the play-out buffer in the destination mobile unit reaches a predetermined threshold.” Claim 22 recites (emphasis added) “such that the wireless transceiver will **transmit a communication that comprises the indication message output when the play-out depth reaches a predetermined threshold.**” The applicants submit that Duaultet column 2 lines 42-67 do not teach or suggest sending or transmitting an indication when the play-out depth reaches a predetermined threshold. Rather, Duaultet teaches suppressing bytes in the play-out-buffer (see step 360 in FIG. 3). The applicants do not see that Duaultet, especially as cited by the Examiner, suggests notifying the source unit (or transmitting generally) when the play-out depth reaches a predetermined threshold.

Regarding independent claim 6 and dependent claim 2, Duaultet column 3 lines 54-67 and Duaultet column 2 lines 42-67 are respectively cited as teaching the claim language. However, the applicants do not see that Duaultet, especially as cited by the Examiner, teaches or suggests any of encoding, receiving or adjusting as described in claims 2 and 6. For example, the applicants do not see how Duaultet teaches or suggests receiving an indication from the destination mobile unit, much less adjusting the coding rate as a function of or according to the indication.

Since none of the references cited, either independently or in combination, teaches all of the limitations of independent claims 1, 6 or 22, or therefore, all the limitations of their respective dependent claims, it is asserted that neither anticipation

nor a prima facie case for obviousness has been shown. No remaining grounds for rejection or objection being given, the claims in their present form are asserted to be patentable over the prior art of record and in condition for allowance. Therefore, allowance and issuance of this case is earnestly solicited.

The Examiner is invited to contact the undersigned, if such communication would advance the prosecution of the present application. Lastly, please charge any additional fees (including extension of time fees) or credit overpayment to Deposit Account No. **502117 -- Motorola, Inc.**

Respectfully submitted,
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